IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 21023 of 2005(C)

PETITIONER:

ANIL KUMAR, S/O.V.THERILOCHANAN,
SUNIL BHAVAN, MUTHIYANKAVU, MANNOORKKONAM,
THOLICODE, NEDUMANGAD, THIRUVANANTHAPURAM.

BY ADV. SRI.S.RAJEEV
SRI.ANIL K.NARENDRAN

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE CHIEF SECRETARY.

2. THE DIRECTOR, DEPARTMENT OF EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER, ATTINGAL, THIRUVANANTHAPURAM.

4. THE MANAGER, S.N.HIGHER SECONDARY SCHOOL, UZHAMALAKKAL, THIRUVANANTHAPURAM.

5. LEKHA.T.NAIR, W/O.PRADEEP, THIRUVONAM, MANIKKAPURAM, PUTHUKULANGARA, UZHAMALAKKAL, NEDUMANGADU, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMMED
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SMT.C.V.RAJALAKSHMI
SRI.B.RAGUNATHAN
SRI.V.V.MATHEW
SMT.P.RETNAKUMARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE PETITIONER.**
EXT.P2	**TRUE COPY OF THE DEGREE CERTIFICAE**
EXT.P3	**TRUE COPY OF THE B.ED. CERTIFICAE**
EXT.P4	**TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THIRD RESPONDENT.**
EXT.P5	**TRUE COPY OF THE GOVT. ORDER DTD. 19-7-05**

RESPONDENT'S EXHIBITS

EXT.R5(A)	**TRUE COPY OF THE APPOINTMENT ORDER WITH ENDORSEMENT OF APPROVAL**
EXT.R5(B)	**TRUE COPY OF THE DEGREE CERTIFICAE ISSUED BY THE UNIVERSITY OF KERALA**
EXT.R5(C)	**TRUE COPY OF THE POST GRADUATE DEGREE CERTIFICAE**
EXT.R5(D)	**TRUE COPY OF THE DEGREE CERTIFICAE GIVEN BY THE BANGALORE UNIVERSITY**
EXT.R5(E)	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY R4**
EXT.R5(F)	**TRUE COPY OF THE GOVT. ORDER DTD. 13-9-88**
EXT.R5(G)	**TRUE COPY OF THE GOVT. ORDER DTD. 22-8-87.**
EXT.R5(H)	**TRUE COPY OF THE ORDER DTD. 24-07-06 ISSUED BY R3**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.21023 OF 2005

Dated this the 13th day of March, 2007

JUDGMENT

According to the petitioner, petitioner is entitled to be appointed as H.S.A.(Social Science) in the vacancy which arose on 01-06-2005. 5th respondent has been appointed by the manager. The prayers in the writ petition include for a direction to the respondents not to promote the 5th respondent in the vacancy of a Social Science teacher and to promote the petitioner in the vacancy. The interim prayer sought for is for a direction to the third respondent not to approve the promotion of the 5th respondent till the disposal of the writ petition.

2. Along with I.A.No.3665/07, 5th respondent has produced Ext.R5(h) order dated 24-7-2006. It appears that one Sri. P.Santhosh Kumar had approached this court and on the basis of the judgment rendered in the said case, Ext.R5(h) is passed.

Therein, It is stated that petitioner has no claim to that post . It is undoubtedly also stated that 5th respondent is an original claimant by virtue of seniority and as per existing rules. Learned counsel for the petitioner submits that there is no reference to the case of the petitioner as such because it is stated in Ext.R5(h) that this writ petition is still pending.

Having heard counsel for the parties, the writ petition is disposed of directing the third respondent to consider the question of approval of the appointment to the post of H.S.A. (Social Science) that occurred on 01-06-2005 after hearing the petitioner, manager and the 5th respondent and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment. It is open to the petitioner and the 5th respondent to raise all contentions available to them under law.

K.M.JOSEPH
JUDGE

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